

## **REMARKS**

The Applicant has now had an opportunity to carefully consider the comments set forth in the final Office Action mailed July 16, 2007. It is respectfully submitted that the Office Action includes clear errors. Accordingly, all of the rejections are respectfully traversed. Reexamination and reconsideration of the application are respectfully requested.

### **The Office Action**

In the final Office Action that was mailed July 16, 2007:

a Response to Arguments presented in Applicant's Response H, which was mailed on April 4, 2007, was provided;

the rejections of **claims 1, 7-8, 10, 12, 15, 18-20 and 22** under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0012356 A1 by McDuff, et al. ("McDuff") in view of U.S. Patent No. 6,549,918 B1 to Probert, Jr., et al. ("Probert") were maintained;

the rejections of **claims 2-3, 9, 11, 17 and 21** under 35 U.S.C. §103(a) as being unpatentable over McDuff in view of Probert and further in view of U.S. Patent No. 5,661,789 to Boyle, et al. ("Boyle") were maintained; and

the rejections of **claims 4-6, 16 and 23** under 35 U.S.C. §103(a) as being unpatentable over McDuff in view of Probert and further in view of U.S. Patent No. 6,226,516 to Gupta, et al. ("Gupta") were maintained.

### **The Office Action Includes Clear Errors**

It is respectfully submitted that the Office Action includes clear errors that would be identified in a Pre-Appeal Brief Review. Accordingly, reexamination and reconsideration are respectfully requested.

### **Clear Errors in Fact**

With regard to **claim 1**, the Office Action stipulates that McDuff does not disclose but relies on Probert for disclosure that -- converting said raw [switch] data into a format compatible with a predefined spreadsheet program --and cites Fig. 2 and col. 8, lines 17-59 of Probert for support of this assertion. Additionally, the Office Action characterizes the cited portions as indicating that the network system includes the dynamic conversion filter to convert data from one format to another, including

providing data in spreadsheet format where the data to be converted is from the server.

However, it is respectfully submitted that Probert is not so generic as to disclose a dynamic conversion filter to convert data from an arbitrary format to another arbitrary format as is implied by the characterization of the Office Action. Furthermore, Probert does not discuss anything that could be considered -- raw data --. Moreover, Probert does not disclose or suggest converting -- raw switch data --. Instead, Probert, including the bulk of column 8, is related to converting documents stored in one version of Microsoft Word to a format associated with another version of Microsoft Word (e.g., col. 8, lines 36-39; col. 7, lines 27-30; col. 8, lines 60-63; the last three lines of the Abstract). Accordingly, Probert does not disclose or suggest converting -- raw data -- or -- raw switch data --.

Even if Probert includes a sentence indicating that “further conversion modules can provide data from different applications, such as other word processors, spreadsheets or imaging programs which may have their own formats for storing data” (col. 8, lines 41-44), this is not fairly construed as disclosing or suggesting converting -- raw switch data -- for display and manipulation in a spreadsheet program. Probert does not even further discuss converting data from a word processor to a spreadsheet program. Instead, Probert discusses converting output from a word processor to a format suitable for viewing through the use of a hypertext markup language (HTML) editor (col. 8, lines 46-59). Accordingly, the assertion that Probert discloses converting said raw (switch) data to a format compatible with a predefined spreadsheet program represents a clear error in fact, and the rejection of independent claim 1, and by reference independent **claim 7**, as well as dependent claims 2-6, 9-12 and 23, which depend from **claim 1** and **claim 8**, which depends from **claim 7**, represent clear errors of fact of the Office Action, and reexamination and reconsideration are respectfully requested.

Additionally, the assertion that McDuff discloses receiving raw switch data from a digital switching system, wherein the raw switch data is stored by the digital switching system in a switch database is respectfully traversed. McDuff makes reference to a “switching mechanism” and more particularly to an automatic call distributor (ACD) 16 and **not** to a digital switching system, such as those used in and between telecommunications systems such as public switch telephone networks, private branch exchanges and mobile telephone networks (e.g., 5ESS) (page 1, lines

13-21; page 2, lines 1-17 of the present application).

In an apparent acknowledgement that the switching mechanism or automatic call distributor (ACD) of McDuff is not a digital switching system, the Office Action asserts that “receiving raw data from switching mechanism included in telecommunication system and generating events about calling activity based on the raw data implies that the telecommunication system includes the digital switching system with a switch database for storing the received raw switch data to be processed.” This seems to be an assertion that somewhere else in the system there must be a digital switching system. However, even if this were true, as argued previously, the – raw data – mentioned in paragraph 7 of McDuff is not the same as the “raw switch data” recited as being received from a digital switching system in **claim 1** of the present application. The – raw data – of paragraph 7 is generated by the “switching mechanism” of McDuff (see the third sentence of paragraph 7) and not by an allegedly implied telecommunication system that includes a digital switching system with a switch database for storing the received raw switch data as is asserted or implied by the Office Action. Accordingly, the rejection of independent **claim 1** and by reference independent **claim 7** is based on a **clear error** of the Office Action and reexamination and reconsideration are respectfully requested.

Also in regard to **claim 1**, the Office Action asserts that McDuff discloses “storing the call information which is the raw cellular information in a table” and cites paragraphs 83-86 in support of this assertion. However, **claim 1** does not recite storing raw cellular information. Instead, **claim 1** recites storing said converted data. Furthermore, McDuff does not disclose or suggest storing raw cellular information in a table. Instead, McDuff discloses displaying a table 556 that summarizes how much time the agent has spent in respective agent states (see paragraph 85). Paragraph 83 refers to a table of call information that includes a column 504 that may hold icons 506 for the given business client, a column 508 that identifies the total number of calls processed by the agent for the business and the average talk time for the calls processed by the business. Paragraph 84 refers to a table summarizing call processing for the agent by business segments. If the Office Action meant to refer to some other table, clarification is respectfully requested.

It is respectfully submitted that McDuff does not disclose or suggest storing call information of any of these tables. Instead, McDuff discloses displaying information in these tables.

Accordingly, the assertion of the Office Action regarding storing call information which is the raw cellular information in a table represents a **clear error** of fact of the Office Action, and reexamination and reconsideration are respectfully requested.

With regard to **claim 10**, the Office Action asserts that McDuff further discloses that raw switch data includes “recent change and verify data.” However, cited paragraph 67 refers to information calculated by a computer/telephony integration (CTI) monitoring server (see paragraphs 33 and 34). Accordingly, the statistics and updated state information calculated by the CCTIMS 36 are not fairly construed as -- raw switch data -- including recent change and verify data as recited in **claim 10**. It is respectfully submitted that recent change in verify data is a term of art which refers to a particular class of information that is output from digital switches, such as, for example, the 5ESS (see page 2, lines 7-11 of the present application). Accordingly, the cited paragraph 67 does not disclose or suggest that raw switch data recited in claim 1 includes recent change and verify data. Cited paragraph 71 discusses Fig. 13 which depicts an example window 390 that is generated by a monitoring system client 51 even though the window includes a statistic section that displays statistics regarding call activity, and buttons that display the availability of agents, paragraph 71 does not disclose or suggest that -- raw switch data -- includes recent change and verify data. Additionally, even if the -- raw data -- of the automatic call distributor of McDuff could be construed as being related to recent changes or verifying something, McDuff does not disclose or suggest receiving recent change and verify data as the phrase is used in the present application.

Accordingly, the rejection of **claim 10** and by reference **claim 12** is based on **clear errors** and reexamination and reconsideration are respectfully requested.

With regard to **claim 15**, the Office Action makes the same assertions with regard to the disclosure of McDuff as are presented with regard to **claim 1**. Accordingly, assertions with regard to the clear errors identified with regard to **claim 1** are submitted with regard to **claim 15**. McDuff does not disclose receiving -- raw switch data -- from a digital switch. Even if McDuff discloses “storing -- raw switch data --, which is the call information, in a table,” (which is disputed) **claim 15** does not recite storing raw switch data. **Claim 15** recites storing converted data. Furthermore, it is respectfully submitted that the assertion that McDuff discloses storing raw switch data in a table is incorrect. McDuff discloses displaying call information in a table.

With regard to receiving raw switch data from a digital switch, in regard to claim 15, the Office Action also cites paragraph 39. However, paragraph 39 while mentioning that a call originates from a PSTN, does not disclose or suggest receiving -- raw switch data -- from a digital switch.

For the foregoing reasons, the rejection of **claim 15** as well as **claims 16-18**, which depend therefrom, is based on clear errors, and reexamination and reconsideration are respectfully requested.

With continued reference to **claim 15**, the Office Action makes the same assertions and citations with regard to the disclosure of Probert that are made with regard to claim 1. Accordingly, clear error identifications similar to those made with regard to the rejections of **claim 1** and Probert are submitted with regard to **claim 15**. The indication that conversion modules can provide data from different applications, such as other word processors, spreadsheets or imaging programs which may have their own formats for storing data does not disclose or suggest converting -- raw switch data -- into a format compatible with a predefined spreadsheet program.

For at least the foregoing additional reasons, the rejection of **claim 15** and by reference **claims 19 and 20**, include clear errors of fact, and reexamination and reconsideration are respectfully requested.

The rejection of **claim 18** cites the same paragraphs of McDuff as are cited with regard to the rejection of **claim 10**. Accordingly, the errors identified with regard to the rejection of **claim 10** are also included in the rejection of **claim 18**. Paragraphs 67 and 71 of McDuff do not disclose or suggest that -- raw switch data -- received from a digital switch includes recent change and verify data as the phrase -- recent change and verify data -- is used in the present application. Accordingly, reexamination and reconsideration are respectfully requested.

With regard to **claim 4**, and by reference **claims 5-6, 16 and 23**, the Office Action asserts that Gupta discloses using the data at the switching center, preparing scripts containing database modification commands. However, **claim 4** recites **using the output of said converter as a layout**, preparing scripts containing database modification commands. Accordingly, the Office Action does not even assert that Gupta discloses at least this element and the Office Action stipulates that it is not disclosed by McDuff and Probert. Accordingly, it is respectfully submitted the rejection of **claim 4**, and by reference **claims 5-6, 16 and 23**, includes clear errors, and reexamination and reconsideration are respectfully requested.

Furthermore, column 1, line 58 through column 2, line 19, contrary to the assertion of the Office Action, does not disclose using the data at the switching center, preparing scripts containing database modification commands. The cited portion indicates that downloadable script files are provided (col. 2, lines 7-8). However, the cited portion does not indicate that data at a switching center is used to prepare the scripts. Furthermore, the script of Gupta may include information necessary for the switch to provide the calling feature or other advanced subscriber service. Generally execution of the programming script causes the switch to transmit a message to a device containing information needed to provide the calling feature or other advanced subscriber service. Gupta does not disclose or suggest that the scripts contain database modification commands.

For at least the foregoing reasons, the rejection of **claim 4**, and by reference **claims 5-6, 16 and 23**, is based on clear errors, and reexamination and reconsideration are respectfully requested.

Moreover, in an apparent acknowledgement that the assertion of the Office Action that Gupta discloses using the data at the switching center, preparing scripts that contain database modification commands, is indeed false, the Office Action asserts that “having scripts for modifying data at switch center” implies that the scripts contain database modification commands. This assertion is respectfully traversed. Nothing in the discussion of providing switches with scripts for providing custom calling service discloses or suggests that the scripts contain database modification commands.

For similar reasons, the assertion that Gupta discloses via said digital switching system, executing said scripts to modify the switch database associated with the raw data is respectfully traversed. Even if Gupta discloses a switch executing scripts, Gupta does not disclose or suggest that the scripts modify a switch database associated with the -- raw switch data --.

For at least the foregoing additional reasons, the rejection of **claim 4**, and by reference **claims 5-6, 16 and 23**, include clear errors, and reexamination and reconsideration are respectfully requested.

#### **Clear Errors Regarding Motivation to Combine**

As indicated in the MPEP at §2142, with regard to establishing a *prima facie* case of obviousness, the initial burden is on the Examiner to provide some

suggestion of the desirability of doing what the inventor has done. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985) (emphasis added).

In the present instance, it is respectfully submitted that the references do not expressly or impliedly suggest the claimed invention, and the Examiner has not presented a convincing line of reason as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

For example, with regard to **claim 1**, the Office Action asserts “that it would have been obvious to...have combined Probert into McDuff since Probert discloses the benefit of converting data in one format to the spreadsheet format applied in the network system, providing the advantage to incorporate into McDuff for converting the raw data stored in the switch database the table format in McDuff into the spreadsheet format for easily performing calculations relating to business data.”

However, it is respectfully submitted that neither Probert or McDuff disclose or suggest any desirability for displaying -- raw switch data -- in a spreadsheet format. Accordingly, there is no motivation in the art for making the proposed combination other than that which could be gleaned from the present application. Furthermore, Probert and McDuff do not disclose or suggest -- raw switch data -- stored in a switch database. Additionally, Probert does not disclose converting data in a generic format to spreadsheet format. Instead, Probert rather specifically suggests that conversion modules can provide data from different applications, such as other word processors, spreadsheets, or imaging programs (col. 8, lines 41-43). Accordingly, there is no suggestion in the art, other than which can be gleaned from the present application, for converting -- raw switch data -- into a format compatible with a predefined spreadsheet program as recited in claim 1 of the present application.

For at least the foregoing reasons, the Office has not met its burden of presenting a ***prima facie* case of obviousness** and reexamination and reconsideration of the rejection of **claim 1**, as well as **claims 2-6 and 9-10 and 23**, which depend therefrom, is respectfully requested.

In further regard to **claim 1**, the Office Action asserts that “it would have been

obvious to...have modified McDuff and Probert to include said outputting and storing features since it is well known in the art that once the data is converted into a format such as a spreadsheet, the data is displayed at the client, which is a form of outputting data, and the data is stored in the memory for later use.”

In this regard, it is respectfully submitted that the MPEP §2143.01 III clearly indicates that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1999). Accordingly, even if the assertion of the Office Action is true, the mere fact that it might be well known in the art that once data is converted into a format such as a spreadsheet, the data is displayed at the client, which is a form of outputting data, and the data is stored in the memory for later use, does not provide a motivation for making the combination discussed above and is not sufficient to establish *prima facie* obviousness. Accordingly, the present Office Action includes **clear errors** and reexamination and reconsideration are respectfully requested.

Still further in regard to **claim 1**, the Office Action asserts that “the combination of the outputting and storing features of McDuff and Probert would help providing and checking data when needed and keeping the received data for later use.” However, McDuff teaches away from storing data for later use. For example, McDuff specifically provides an entity module 104 that is responsible for resetting the statistics. This module may reset the statistics on a daily basis so that the statistics are current only for the given day (the first three of the last five lines of paragraph 45). Accordingly, keeping received data for later use does not provide a motivation for combining McDuff and Probert. Furthermore, the data of McDuff can be checked in the displays of McDuff (Figs. 13-20). Therefore, checking data does not provide a motivation for combining McDuff and Probert and the Office has not met its burden of presenting a *prima facie* case of obviousness and accordingly the Office Action includes **clear errors**. Reexamination and reconsideration are respectfully requested.

Independent **claim 7** was rejected under the same rationale as claim 1. Accordingly, the rejections of **claims 7 and 8** represent **clear errors** of the Office Action and reexamination and reconsideration are respectfully requested.

The discussion related to the combination of McDuff and Probert in regard to **claim 15** is identical to the discussion of the combination provided with regard to



**claim 1.** Accordingly, the rejection of claim 15 and the claims that depend therefrom represent **clear errors** of the Office Action for at least the same reasons as those presented above with regard to **claim 1**.

With regard to **claims 2, 3 and 9** (and by reference **claims 11, 17 and 21**), the Office Action asserts that “it would have been obvious to...have combined Boyle into McDuff and Probert since performing new product testing at the digital switch in Boyle would provide the advantage to include in McDuff and Probert for using various data including product testing and data at the digital switch for various service purposes.” It is respectfully submitted that this statement is not clear. Accordingly, the rejections of **claims 2-3, 9, 11, 17 and 21** include **clear errors** and reexamination and reconsideration are respectfully submitted.

With regard to **claim 4**, and by reference **claims 5-6, 16 and 23**, the Office Action simply asserts that Gupta disclose elements of the claims and that “therefore it would have been obvious to an ordinary skill in the art at the time of the invention was made to have modified Gupta to include data at the switch center to be converted into spreadsheet format and combined Gupta into McDuff and Probert for modifying switch data at the switching system via executing scripts.” It is respectfully submitted that the intended meaning of this statement is not clear. Accordingly, the Office has not met its burden of presenting a *prima facie* case of obviousness and rejection of **claims 4-6, 16 and 23** represent **clear errors** of the Office Action. Accordingly, reexamination and reconsideration are respectfully requested.

Additionally, the Office Action provides no suggested motivation explaining why one of ordinary skill in the art would have been motivated to modify McDuff and/or Probert to use scripts to modify switch data and again, the Office has not met its burden of presenting a *prima facie* case of obviousness, and the rejections of **claims 4-6, 16 and 23** represent **clear errors** of the Office Action.

#### **Reply to Response to Arguments**

The Response to Arguments section asserts that the Applicant’s argument that McDuff does not disclose a telecommunication networks switch is not true. The response seems to imply that the Office believes the automatic call distributor of McDuff is fairly read as a telecommunications network switch. However, the response is vague and unclear. It is respectfully submitted that the present application uses the phrase – digital switch – to refer to the class of switches similar

to the 5ESS and to switches that perform functions similar to that of a 5ESS, and that the automatic call distributor of McDuff is not in that class.

Next, the Office Action mischaracterizes one of the arguments of the Applicant as being that though McDuff uses the phrase “raw data”, the raw data of McDuff is not stored by the digital switching system in a switch database, and so the raw data of McDuff is different from the raw switch data recited in **claim 1**. Here, the Office has mistakenly combined two separate arguments. It is the position of the Applicant that the “raw data” of McDuff is different than the – raw switch data – discussed in the present application and recited in **claim 1**. **Additionally**, it is the position of the Applicant that it is a characteristic of digital switching systems of the class referred to in the present application that the raw switch data is stored in a database. Accordingly, that the automatic call distributor of McDuff is not disclosed as including such a database, goes to indicate that the automatic call distributor of McDuff is not a – digital switch – or – digital switching system – as those phrases are used in the present application. Since the “raw data” of McDuff is not disclosed as being stored in a database, the – raw switch data – of, for example, **claim 1** of the present application is further distinguished from the “raw data” of McDuff.

Further in regard to this argument, the Office Action stacks together three analogies that are not supported by the disclosure of McDuff in order to arrive at an alleged disclosure of raw switch data in McDuff. The Office Action asserts that the Office considers the switching mechanism (i.e., the ACD) of McDuff to be a switching system. The Office Action then casts the “raw data” of McDuff as the -- raw switch data -- of the present application even though it is received from the switching mechanism (automatic call distributor) of McDuff, to arrive at -- raw switch data -- received from a switching system. Then the Office asserts that McDuff **implies** that raw data is stored in the memory of the switching system (even though McDuff does not disclose or suggest that the automatic call distributor even includes memory). Then the Office Action draws an analogy and asserts that the memory (which isn't disclosed in McDuff) is equivalent to a switch database in order to find disclosure in McDuff of – the raw switch data is stored by the digital switching system in a switch database – recited in **claim 1** of the present application. It is respectfully submitted that this rejection is based on conjecture and impermissible hindsight reasoning.

For at least the foregoing reasons, the rejection of **claim 1** is based on **clear error**, and reexamination and reconsideration are respectfully requested.

The next paragraph of the Response to Arguments asserts that paragraphs 83-86 are provided to show that McDuff discloses that raw cellular information is stored in a table, which has a close format as a spreadsheet. The Office Action goes on to indicate that “these two paragraphs are not for showing of a database of a switch as argued.” However, the claims do not recite storing raw cellular information in a table, which has a close format as a spreadsheet. The only reference to raw data being stored in, for example, **claim 1**, is the indication that the raw switch data is stored by the digital switching system in a switch database. So, since the assertion of the Office Action refers to raw information, and since the Office Action does not make clear which elements of the claims are being referred to, the Applicant can only assume that the citation of paragraphs 83-86 were made somehow in regard to the recitation of raw switch data stored by the digital switching system in a switch database.

**Claim 1** also recites storing said **converted** data in at least one predefined workbook of said spreadsheet program. In this regard, it is noted that the converted data recited in **claim 1** is not analogous to the “raw cellular information” referred to in the Office Action. Moreover, paragraphs 83-86 discuss displaying data in tables and not storing data. It is not clear that any of the data displayed in Fig. 19 (referenced in paragraphs 83-86) is stored in any manner. It is submitted that the displayed data may be calculated and displayed on the fly in regard to the current activity **of agents**.

Lastly, the response to arguments section responds to the argument that there is no motivation to combine subject matter of Probert with subject matter of McDuff. The Office Action inserts *inter alia* that: “McDuff further discloses that the raw data of the cellular information is stored in tables, which have a similar format to a spreadsheet format. This motivates to combine into Probert for converting the stored data, which is the raw switch data, into spreadsheet format for easily calculate business data.” However, if as asserted by the Office Action, the data of McDuff is already in a format similar to a spreadsheet format, there would be no motivation to convert it into a spreadsheet format. Accordingly, if the assertions of the Office Action are correct, there is no motivation to convert data that is already in a similar format to a spreadsheet format into a spreadsheet format.

Furthermore, the entire system of McDuff is for the purpose of providing business data to allow a supervisor or clients or others to monitor the activities of agents in a call center. Accordingly, any business data calculations are already

provided for in the system of McDuff (see Fig. 13-Fig. 20 and paragraphs 22-29). Accordingly, calculating business data does not provide a motivation for combining subject matter from Probert into McDuff. There is no motivation other than that which could be gleaned from the present application, for combining subject matter from McDuff with subject matter from Probert. Therefore, the Office has not met its burden of presenting a *prima facie* case of obviousness, and reexamination and reconsideration are respectfully requested.

### **The Claims Are Not Obvious**

The present Office Action maintains the rejection of **claims 1, 7-8, 10, 12, 15, 18-20 and 22** under 35 USC 103(a) as being unpatentable over McDuff in view of Probert. In this regard, arguments similar to those submitted in support of **claims 1, 7-8, 10, 12, 15, 18-20 and 22** in Applicant's Amendment G and above in the Reply to Response to Arguments, the Identification of Clear Errors, and the discussion of overlooked arguments presented on pages 5-7 of Applicant's Response H are submitted in support of **claims 1, 7-8, 10, 12, 15, 18-20 and 22** and for those reasons, **claims 1, 7-8, 10, 12, 15, 18-20 and 22** are not anticipated and are not obvious in light of McDuff and Probert.

The present Office Action maintains the rejections of **claims 2-3, 9, 11, 17 and 21** under 35 USC 103(a) as being unpatentable over McDuff in view of Probert as applied to **claim 1** and further in view of Boyle. Accordingly, arguments similar to those submitted in Applicant's Amendment G, as well as arguments presented above in the Reply to the Response to Arguments, the Identification of Clear Errors, and in the discussion of arguments that were overlooked presented on pages 5-7 of Applicant's Response H are submitted in support of **claims 2-3, 9, 11, 17 and 21**. And for at least those reasons, **claims 2-3, 9, 11, 17 and 21** are not anticipated and are not obvious in light of McDuff, Probert and Boyle.

**Claims 4-6, 16 and 23** were rejected under 35 U.S.C. §103(a) as being unpatentable over McDuff in view of Probert as applied to **claim 1** and further in view of Gupta.

However, Gupta is directed toward a method for invoking dynamically modifiable subscriber services and an intelligent telecommunication network incorporating the same. Gupta does not disclose or suggest using the output of a converter as a layout, preparing scripts containing database modification commands,

transferring said scripts to a digital switching system and via said digital switching system, executing said scripts to modify the switch database associated with the raw switch data as recited in **claim 4**.

Further in this regard, the Office Action stipulates that McDuff and Probert do not, for example, disclose using the output of said converter as a layout, preparing scripts containing database modification commands and the rest of the elements recited in **claim 4**.

In explaining the rejection of **claim 4**, the Office Action asserts that Gupta discloses using the data at a switch center, preparing scripts containing database modification commands and directs the attention of the Applicant to column 1, line 58 - column 2, line 19, in support of the assertion. However, **claim 4** does not recite using the data at a switching center, preparing scripts containing database modification commands. Instead, **claim 4** recites using the output of said converter as a layout, preparing scripts containing database modification commands. Accordingly, even if Gupta disclosed the subject matter asserted by the Office Action (which is disputed), Gupta does not disclose or suggest the subject matter of **claim 4**.

Furthermore, while the cited portions of column 1 include the word --script-- and the word --database--, the cited portion does not disclose or suggest using the output of said converter as a layout, preparing scripts containing database modification commands, as recited in **claim 4**. Moreover, the cited portions of columns 1 and 2 do not disclose or suggest --having scripts for modifying data at switch center-- as asserted by the Office Action. Instead, Gupta asserts that “in contrast with prior techniques, the present invention greatly enhances the ability to add, delete or otherwise modify **calling features** and other advanced, subscriber services for users of an intelligent telecommunications network.” “Such Flexibility is achieved by provided downloadable script files, each containing programming script needed to initiate a calling feature or other advanced subscriber service and a criteria statement used for triggering execution of the programming script at a database located at a central office or at a home location register. While the programming script may include information necessary for the switch to provide the calling feature or other advanced subscriber service, generally, execution of the programming script causes the switch to transmit a message to a device containing the information needed to provide the calling feature or other advanced subscriber service, for example, by sending an appropriate message to an off-board

SCP.” (Emphasis added) The cited portion does not disclose or suggest that executing the scripts modifies data at a switching center as asserted by the Office Action or that the scripts contain database modification commands as recited, for example, in claim 4 of the present application. Additionally, the Office Action provides no suggestion of a motivation to modify McDuff and Probert according to Gupta. Therefore, the Office has not met its burden for presenting a *prima facie* case of obviousness, and **claim 4** is not anticipated and is not obvious in light of McDuff, Probert and Gupta.

Moreover, it is respectfully submitted that there is no motivation for modifying McDuff and Probert according to the disclosure of Gupta and that making such a modification would not arrive at the subject matter of the present application. McDuff does not disclose or suggest raw switch data stored in a database of a switch. The data addressed by McDuff is data that indicates the activity of agents and is not the kind of raw switch data that is stored in a database of a switch. Furthermore, the agent activity data of McDuff is presumably accurate and presumably reflects the desired information. Accordingly, there is no motivation to modify the agent activity data of McDuff. Furthermore, even if they were motivation to modify the data of McDuff, it is respectfully submitted that the data would be modified at or in association with the CTIMS 36 of McDuff and not at a switch or even the automatic call distributor of McDuff.

For at least the foregoing additional reasons, **claim 4** is not anticipated and is not obvious in light of McDuff, Probert and Gupta.

**Claims 5-6, 16 and 23** were rejected under the same rationale as **claim 4**. Accordingly, arguments similar to those submitted in support of **claim 4** are submitted in support of **claims 5-6, 16 and 23**.

For at least the foregoing additional reasons, **claims 5-6, 16 and 23** are not anticipated and are not obvious in light of McDuff, Probert and Gupta.

#### **Telephone Interview**

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

### **CONCLUSION**

**Claims 1-12 and 15-23** remain in the application. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

FAY SHARPE LLP

October 16, 2007

Date



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